



Robert J. Wukitsch
Director
Technology Services

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Letter of Appeal
Federal Communications Commission
Office of the Secretary
445-12th Street SW,
Washington, DC 20554

Re: CC Docket Nos. **96-45** and **97-21**
Form 471 Application Number: **297140**
Hazelwood School District
Billed Entity Number: **136879**
Funding Request Number: **787030**

Funding Year 2002
Funding Commitment Letter dated 04/24/2002
Hazelwood Appeal Letter dated 06/07/2002
USAC Decision Letter dated 03/05/2003

This letter requests further consideration of the above Application Number (**297140**).

In the April 24, 2002, letter, FRN **787030** was given:

Funding Commitment Decision: **\$53,179.01 – FRN approved; modified by SLD**

Funding Commitment Decision Explanation: ***"The dollars requested were reduced to remove: the ineligible product (s)/service(s) Plexar stations and station line facilities."***

The March 5, 2003, USAC **SLD** Administrator's Decision on Appeal – Funding Year 2002-2003 declared that

"the application included costs for the following ineligible services: Plexar Stations and Line Facilities for Emergency use."

In reviewing this appeal, please consider the facts of our situation.

- 1) The Plexar services in question are Basic Telephone Service (POTS) for support of instruction in the K-12 schools of the Hazelwood School District. As such they clearly fall under the definition of eligible services.
- 2) The original letter to Kelly Fitzgibbons dated 2/5/02 described the need for the Plexar II services. The letter to Ms. Fitzgibbons was not intended to explain the day-to-day use of the lines but rather to justify the fact that those services do not run through the Hazelwood District Centrex. I could have explained that to the SLD appeals unit if they had taken the effort to contact me during their investigation of the appeal.
- 3) On April 30, 2002, prior to our appeal to the SLD, I contacted the SLD by email (questions@universalservice.org) to ask for a clarification on why the original decision declared that "the dollars requested were reduced to remove: the ineligible product (s)/ service(s) Plexar stations and station line facilities."

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Date 4/15/03

1 received a return telephone call from an SLD representative. During that call, I was told that the reason for the reduction was probably that the SLD had understood the Plexar stations and station line facilities to be telephone equipment and not services. With that understanding, the SLD had declared the Plexar costs to be ineligible. The resource at the SLD could give no further explanation.

Based on the explanation I received from the SLD representative, I stated in our appeal to the SLD that the Plexar charges were "for services only, not for products." I did not go into an explanation of the use of the services, because neither the Funding Commitment Letter nor the SLD representative had indicated that the use of the services was an issue.

The March 5, 2003, SLD decision indicates that "the application included costs for the following ineligible services: Plexar Stations and Line Facilities *for* Emergency **use**." They had reached the proper conclusion that the funding was requested for services. However, they had reached the wrong conclusion as to the day-to-day use of those services.

- 4) A review of the type of services requested (Plexar stations and station line facilities) and their use (support of instruction for K-12 students) should lead you to the conclusion that the SLD decision of March 5, 2003 should be overturned.

Based on our previous legal and binding contract, we appeal the funding decision and request a complete funding of this request number for the pre-discounted cost of \$140,891.04.

The Hazelwood contact for this appeal is

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Thank you for your time and consideration.

Sincerely,



Robert J. Wukitsch
Director of Technology